IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / \5TH ASHADHA 1929

Bail Appl..No. 4112 of 2007()

CRIME NO. 285/07 OF VADAKKEKAD POLICE STATION

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PETITIONER/ACCUSED

SIVADASAN,
AGED 40 YEARS, S/O.PERINGAN, MOOTHEDATH HOUSE,
KADIKKAD AMSOM, CHAVAKKAD TALUK.

BY ADV. SRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY

RESPONDENTS:

SUB INSPECTOR OF POLICE,
VADAKKEKAD, REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4112 of 2007

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Dated this the 6th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioner was allegedly found to be in possession of 24 x 375 ml. of I.M.F.L. in 24 bottles. He was allegedly intercepted on 9.6.2007. He took to his heels and was not available for arrest. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He is the owner-cum-driver of a vehicle - an autorikshaw. He had parked his vehicle and had gone for taking his meals. When he returned he found the vehicle missing. Totally false allegations are raised against the petitioner, it is submitted. He prays that anticipatory bail may be granted to the petitioner.

3. The learned Prosecutor opposes the application. The contentions are totally unacceptable. At the moment there are satisfactory indications pointing to the culpability of the petitioner. At any rate, no circumstances are shown to exist to exercise the discretion under Section 438 Cr.P.C., submits the Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Prosecutor. This, I am satisfied, is an eminently fit case where petitioner must appear before the Investigator or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

5. This application is hence dismissed. Needless to say, if the petitioner surrenders before the Investigating Officer or the learned Magistrate having jurisdiction and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

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